

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

MACK SIMS,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 3:19-CV-1168-JD-MGG
)	
CITY OF ELKHART, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Before the Court is Defendants' Notice of Extension filed on February 12, 2020. Defendants invoke N.D. Ind. L.R. 6-1(b) in support of the instant notice of a 60-day extension of time to respond to Plaintiff's complaint. In its notice, Defendants indicates that the parties have agreed to the requested extension.

Under N.D. Ind. L.R. 6-1(b), a notice of automatic extensions is allowed when

- (1) the deadline has not been extended before;
- (2) the extension is for 28 or fewer days; and
- (3) the notice states:
 - (A) the original deadline;
 - (B) the new deadline; and
 - (C) that all opposing attorneys the attorney could reach agreed to the extension; or that the party could not reach any other opposing attorneys despite due diligence.

Defendants' requested 60-day extension precludes the automatic initial extension they attempt to claim under Local Rule 6-1(b). Therefore, the Court construes Defendants' instant notice as a motion to extend the pleading deadline as allowed under N.D. Ind. L.R. 6-1(a) and governed by Fed. R. Civ. P. 6(b)(1)(A).

Fed. R. Civ. P. 6(b)(1)(A) requires good cause to extend time. Defendants' construed motion offers no explanation for the requested extension. Accordingly, the Court **DENIES WITHOUT PREJUDICE** Defendants' construed motion. [DE 9]. The parties may file either a notice that complies with the requirements of Local Rule 6-1(b) or a motion under Local Rule 6-1(a) that satisfies the standard for extensions set forth in Fed. R. Civ. P. 6(b)(1)(A).

SO ORDERED this 18th day of February 2020.

s/Michael G. Gotsch, Sr.
Michael G. Gotsch, Sr.
United States Magistrate Judge